# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Cary Douglas, Lei Fu, and Tarak D. Mody International Application No.: PCT/US2003/037888 USSN 10/537379 Filed: June 3, 2005	Oroup Art Unit:Not Yet Assigned Examiner: Not Yet Assigned Conf. No. 4899		
Title: Preparation of Metallotexaphyrins	)		
Certificate of Electronic	c Filing		
I hereby certify that the attached Petition for Acceptance of Corrected International Application number and US Serial Number and all marked attachments are being deposited by Electronic Filing on August 8, 2006 by using the EFS – Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			

# PETITION FOR CORRECTION TO INVENTORSHIP UNDER 37 CFR 1.182, OR, IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mail Stop PCT – LEGAL Attention: Leonard Smith Assistant Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Ann Lygas

In re Patent Application of

Sir:

The Commissioner is hereby petitioned to accept the corrected international application number, PCT/US2003/037888, as the priority document and to keep the U.S. Serial Number 10/537379 and the filing date of June 3, 2005 assigned to it on the return postcard. A copy of the post card indicating the Commissioner issued a filing date of June 3, 2005 and a US Serial Number of 10/537379, a copy of the Certificate of Mailing Under 37

CFR 1.10 and Express Mail Label No. EV517729605US, a copy of the application data sheet, a copy of the original transmittal letter, and a copy of the corrected transmittal are enclosed.

The Application Data Sheet, Certificate of Mailing Under 37 CFR 1.10 filed on June 3, 2005, and page 2 of the original transmittal letter submitted with the application to the national phase division of the United States Patent and Trademark Office contain the correct international application number. Applicant mistyped the international application number on the first page of the transmittal letter (PTO Form 1390); the first page of the Preliminary Amendment, and on the first page of the Information Disclosure Statement. Applicant telephoned the national phase division upon awareness of this error. It was suggested that a new transmittal letter with a copy of the correct priority document be faxed to (571) 270-9774. Applicant prepared and faxed in these documents on June 7, 2006.

A review of 10/537,379 in Private PAIR does not show the correct International Application Number/priority document.

The corrected transmittal letter for international application number PCT/US2003/037888 was faxed to the national phase division at the USPTO on June 7, 2006. Correct international application number PCT/US2003/037888 does appear on the Application Data Sheet, the Certificate of Mailting under 37 CFR 1.10, and the 2<sup>nd</sup> page of the original transmittal letter filed with the application on June 3, 2005. There were some typographical errors identifying an incorrect application number, but the correct application number does appear in several documents submitted with the application at the time of filing. Accordingly, Applicant petitions that the Application Data in Private PAIR be corrected to reflect the correct international application number, PCT/US2003/037888, as the priority document and that the 5 pages of Documents Submitted with 371 Applications in the Image File Wrapper be corrected to reflect the correct priority document, WO2004/050716 A2.

In the event that this Petition under 37 CFR 1.182 is denied, Applicant, in the alternative, Petitions for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), as the delay in filing these application papers was unintentional.

25922-706.201

The Commissioner is hereby authorized to charge any fees which may be required by this paper, or credit any overpayment to Deposit Account No. 23-2415 (Docket No. 25922-706.201). Applicant claims small entity status under 37 CFR 1.27.

Respectfully submitted,

Jeffrey W. Guise Registration No. 34,613

WILSON SONSINI GOODRICH & ROSATI 650 Page Mill Road Palo Alto, CA 94304

Telephone: (650) 493-9300



Date: June 7, 2006

Location: SD

10: U.S. Patent & Trademark Office	Fax: (571) 270-9774	
Company:	Phone:	Notify recipient before sending
From: Michael Hostetler	Phone: (858) 350-2306 Ref	turn Fax: (858) 350-2399
Original: To follow via mail To fo	ollow via courier 🔲 To follow via emai	I
Fax Contains: 3 pages (including this sheet	t). If incomplete, call Linda Thompson at 85	58-350-2345.
Message:		
RE: Application No.: 10/537,379 Michael J. Hostetler, Reg. No. 47	,664	
Corrected Transmittal Letter and cover page of	priority document attached.	
Thank you.		

Return Original to: Linda Thompson

12235 El Camino Real, Suite 200, San Diego, CA 92130-3002 858.350.2300 Tel • 858.350.2399 Fax • www.wsgr.com

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Ref: 25922-706.201

JOB STATUS REPORT

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DATE,TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

06/07 10:42 915712709774 00:00:57 03 OK STANDARD ECM

PTO-1390 (Rev. 02-2005) 021 ICE

			U.S.	pproved for use through 3/31/2007. OMB 0651-00 Patent and Jernark Office; U.S. DEPARTMENT OF COMMER
	T	RANSMITTAL LETTER TO TO DESIGNATED/ELECTED OF	HE UNITED STATES	ellection of information unless it displays a valid OMB control numb ATTORNEY 'S DOCKET NUMBER 25922-706.201
	CC	INCERNING A SUBMISSION	UNDER 35 U.S.C. 371	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
		ATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	Not yet assigned PRIORITY DATE CLAIMED
		S2003/037888	24 Nov. 2003	04 Dec.2002
		F INVENTION		
		A <u>RATION OF METALLOTEXAPHY</u> ANT(S) FOR DO <i>I</i> EO/US	RINS	
		OUGLAS; Lei FU; and Tarak D. MC	ODY	
				O/US) the following items and other information:
1. [	$\boxtimes$	This is a FIRST submission of items conce	erning a submission under 35 U.S.C. 37	1.
2. [		This is a SECOND or SUBSEQUENT sub	mission of items conceming a submission	on under 35 U.S.C. 371.
з. [	X	This is an express request to begin nation (5), (6), (9) and (21) indicated below.	al examination procedures (35 U.S.C. 3	771(f)). The submission must include items
4. [	X	The US has been elected (Article 31).		
5.	$\boxtimes$	A copy of the International Application as f	iled (35 U.S.C. 371(c)(2))	
		a.	if not communicated by the International	ıl Bureau).
		b.  has been communicated by the I	nternational Bureau.	
		c. X is not required, as the application	was filed in the United States Receiving	g Office (RO/US).
6. [		An English language translation of the Inte	rnational Application as filed (35 U.S.C.	371(c)(2)).
		a. is attached hereto.		
		b.  has been previously submitted up	nder 35 U.S.C. 154(d)(4).	
7.	X	Amendments to the claims of the Internation	onal Application under PCT Article 19 (3)	5 U.S.C. 371(c)(3))
		a. are attached hereto (required onl	ly if not communicated by the Internation	nal Bureau).
		b. have been communicated by the	International Bureau.	
		c. have not been made; however, the	he time limit for making such amendmer	nts has NOT expired.
		d. A have not been made and will not	be made.	
8. [		An English language translation of the ame	ndments to the claims under PCT Article	e 19 (35 U.S.C. 371(c)(3)).
9. [		An oath or declaration of the inventor(s) (35	5 U.S.C. 371(c)(4)).	
10. [		An English language translation of the anne Article 36 (35 U.S.C. 371(c)(5)).	·	amination Report under PCT
H	tem	s 11 to 20 below concern document(s) or	r Information included:	
11. [	_	An Information Disclosure Statement under		
12.	┙	An assignment document for recording. A s	eparate cover sheet in compliance with	37 CFR 3.28 and 3.31 is included.
13.	×	A preliminary amendment.		
14.	×	An Application Data Sheet under 37 CFR 1	.76.	
15.		A substitute specification.		
16.	_	A power of attorney and/or change of addre		
17.		A computer-readable form of the sequence	listing in accordance with PCT Rule 138	er.2 and 37 CFR 1.821- 1.825.
18. [		A second copy of the published International		
19.		A second copy of the English language tran	nslation of the International Application u	nder 35 U.S.C. 154(d)(4).

20. Other items or information: Return Receipt Postcard This collection of information is required by 37 CFF, 1.41 and 1.481-1.482. The information is required to obtain or relatin a benefit by the public, which is to file (and by the USPTO to process) an application. Confiderability is governed by 58 LSC, 1.22 and 37 CFF, 1.1 and 1.4. The collection is estimated to take 15 minutes to complete, including optimizing information, preparing, and submitting the completed form to the USPTO. Time will survively expendent collection in submitting the completed form to the USPTO. Time will survively expendent collection in the USPTO. Time will survively expendent collection in the USPTO. The will survively expendent collection in the USPTO. The will survive expendent collection in the USPTO. The use of the USPTO. The use of the USPTO. The use of the USPTO. The USPTO. The USPTO. The use of the USPTO. The USPTO

#### (19) World Intellectual Property Organization International Bureau



PCT

(43) International Publication Date 17 June 2004 (17.06.2004)

(10) International Publication Number

(51) International Patent Classification7:

C08F

WO 2004/050716 A2

(21) International Application Number:

PCT/US2003/037888

(22) International Filing Date:

24 November 2003 (24.11.2003)

(25) Filing Language: English

(26) Publication Language:

English

(30) Priority Data: 60/431.157 4 December 2002 (04.12.2002) US 60/480.600 19 June 2003 (19.06.2003) US

(71) Applicant (for all designated States except US): PHAR-MACYCLICS, INC. [US/US]; 995 E. Arques Avenue, Sunnyvale, CA 94085 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): DOUGLAS, Cary [US/US]; 192 Park Street, San Francisco, CA 94110 (US). FU, Lei [CN/US]; 34254 Quartz Terrace, Fremont, CA 94555 (US). MODY, Tarak, D. [US/US]; 955 La Mesa Terrace, #E, Sunnyvale, CA 94086 (US).

(74) Agent: KATHARDEKAR, Vinit, G.; Pharmacyclics, Inc., 995 E. Arques Avenue, Sunnyvale, CA 94085 (DE).

(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU. CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (regional): ARIPO patent (BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Declaration under Rule 4.17:

of inventorship (Rule 4.17(iv)) for US only

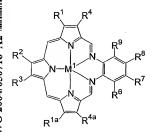
Published:

(1)

without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: PREPARATION OF METALLOTEXAPHYRINS



(57) Abstract: The present invention provides a process for replacing a metal cation, M1, from a compound of Formula I.

WO 2004/050716 A2

JC10 Rec'd PCT/PTO 03 JUN 2005			
M Transmittal Letter to the DOVEGAUS Concerning a Filing Under 53 USC 371 including fee sheet and authorization to charge deposit account Missing Parts of Application Transmittal Declaration/Clath Declaration/Clath	Filing Date: 10 / 5    Filing Date: 10   Divisional   Div	PCT  Extension of Time fee \$   S   S    Sous feeds/v order \$   S    Other fee (_) \$	
□ . swee of Antomey □ Pwr of Atty by Assignee □ Assignment/morn PTO-1590: □ PCT In smalloral Apple Request Form □ pages □ Specification □ pages □ Claims □ pages □ Claims □ pages □ Abstract □ pages □ Drawings □ pages	Information Disclosure Statement     Form PTO/SB/08 with 1 ref(s)     Preliminary Amendment	☐ Chapter II Demand/Fee Sheet ☐ Response-Invitation to Correct ☐ Article 19 Amendment ☐ Article 34 Amendment ☐ Response to Written Opinion	
Express Mail Certificate No: _EV 517729605 US     First Class Mail     Authorization to Charge Deposit Account No23-2415_	Other: APPLICATION DATA SHEET		
Attorney Docket No. 25922-706.201 Attorney: Michael J. Hostetler	Date Mailed:June 3, 2005		

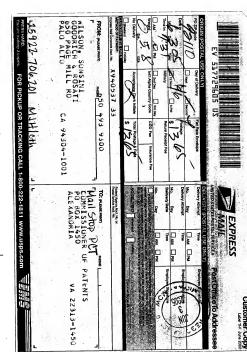
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# CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

Re: International Application No. PCT/US2003/037888

Applicants: Cary Douglas et al. (Pharmacyclics, Inc.)

Our file: 25922-706.201

Express Mail Label No. EV 517729605 US

Date of Deposit June 3, 2005

This paper and those indicated below as being attached are being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450. Alexandria. VA 22313-1450.

#### Attachments:

- 1. Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. 371 including fee sheet and authorization to charge deposit account;
  - 2. Application Data Sheet
  - 3. Preliminary Amendment
  - Information Disclosure Statement and Form PTO/SB/08A with (1) reference.

PTO-1390 (Rev. 02-2005) Approved for use through 3/31/2007. OMB 0651-0021

	Under the Paperwork Reduction Act of 19	U.S persons are required to respond to a	i. Patent and Trademark : U.S. DEI collection of information u. it displays	PARTMENT OF COMMERCE a valid OMB control number.
-	TRANSMITTAL LETTER TO T		ATTORNEY'S DOCKET NUMBE	
	DESIGNATED/ELECTED O		25922-706.201	
C	ONCERNING A SUBMISSION		U.S. APPLICATION NO. (If know	n, see 37 CFR 1.5)
	VATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	Not yet assigned PRIORITY DATE CLAIMED	
	JS2003/03788	24 Nov. 2003	04 Dec.2002	
	OF INVENTION		1 2 7 4 2 2 1 2 2 2 2	
PREP	ARATION OF METALLOTEXAPHY	RINS		
	ANT(S) FOR DO/EO/US DOUGLAS: Lei FU; and Tarak D. M	ODY		
	ant herewith submits to the United State		EO/US) the following items and	other information:
1. 🛛	This is a FIRST submission of items conc	erning a submission under 35 U.S.C. 3	71.	
2. 🗌	This is a SECOND or SUBSEQUENT sub	mission of items concerning a submiss	ion under 35 U.S.C. 371.	
3. 🛛	This is an express request to begin nation (5), (6), (9) and (21) indicated below.	nal examination procedures (35 U.S.C.	371(f)). The submission must include	le items
4. 🛛	The US has been elected (Article 31).			
5. 🛚	A copy of the International Application as	filed (35 U.S.C. 371(c)(2))		
	a. Is attached hereto (required only	if not communicated by the Internation	nal Bureau).	
	b. has been communicated by the	International Bureau.		
_		n was filed in the United States Receive		
6.		emational Application as filed (35 U.S.C	C. 371(c)(2)).	
	a. Li is attached hereto.			
	b. has been previously submitted u	nder 35 U.S.C. 154(d)(4).		
7. 🛚	Amendments to the claims of the Internation	onal Application under PCT Article 19 (	35 U.S.C. 371(c)(3))	
	a. are attached hereto (required on	ly if not communicated by the Internation	onal Bureau).	
	<ul> <li>have been communicated by the</li> </ul>	International Bureau.		
	c. have not been made; however, t	he time limit for making such amendme	ents has NOT expired.	
_	d. A have not been made and will not	t be made.		
8.	An English language translation of the ame	endments to the claims under PCT Arti-	de 19 (35 U.S.C. 371(c)(3)).	
9.	An oath or declaration of the inventor(s) (3	5 U.S.C. 371(c)(4)).		
10.	Article 36 (35 U.S.C. 371(c)(5)).		ramination Report under PCT	
Iten	ns 11 to 20 below concern document(s) o	r Information Included:		
11. 🛛	An Information Disclosure Statement under	r 37 CFR 1.97 and 1.98.		
12.	An assignment document for recording. As	separate cover sheet in compliance wit	h 37 CFR 3.28 and 3.31 is included.	
13. 🖂	A preliminary amendment.			
14. 🛛	An Application Data Sheet under 37 CFR 1	1.76.		
15.	•			
16.	A power of attorney and/or change of addr			
17. 🔲	A computer-readable form of the sequence	listing in accordance with PCT Rule 1	3ter.2 and 37 CFR 1.821- 1.825.	
18. 🗌	, , , , , , , , , , , , , , , , , , , ,		•	
19.	A second copy of the English language tran	nslation of the International Application	under 35 U.S.C. 154(d)(4).	
20. 🔯	Other items or information: Return Receipt	Postcard		

2.0. C2 Unter literation of information. Recognitive days and 1491-1492. The information is required to obtain or relain a benefit by the public, which is to fire (and by the USFTO to proceep) an application. Confidentially is governed by 53 U.S.C. 12 and 37 CFR 1.11 and 1.14. This collection of information is estimated to take 10 minutes to complete. USFTO to proceep an application. Confidentially is governed by 53 U.S.C. 12 and 37 CFR 1.11 and 1.14. This collection of instituted to take 10 minutes to complete. It is offered in the confidential of the confide

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Approv "vuse through 351 actions (Rev. 02-2005)

U.S. Palent and Tradensa "see U.S. EP-ARTHENT OF COMMERCE

U.S. APPLICATION NO. (# known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO. ATTORNEY'S DOCKET NUMBER

U.S. APPLICATION NO. (# known, see 37 CFR 1.5)

Not yet assigne	d		PCT/US2003/0378	88	25922-706.201	
The following fees are submitted:			CALCULATIONS	PTO USE ONLY		
21. A Basic national fee			\$ 300.00			
If International preli PCT Article 33	(1)-(4)		ed by USPTO and all aims sal	\$100	\$ 100.00	
23. Search Search fee (37 CFF International S International Search All other situations.	fee R 1.445(a)(2)) has be Searching Authority n Report prepared an	en paid on th d provided to	e International application to	the USPTO as an\$100\$400	<b>\$</b> 100.00	29.
	OTAL OF 21, 22 and				\$ 500.00	
Sequence listing The fee is \$25	ng or computer progra 0 for each additional	am listing file 50 sheets of	d in paper over 100 sheets (e d in an electronic medium). paper or fraction thereof. each additional 50 or fraction			
Total Sheets	Extra sheets		ound up to a whole number)	RATE		
- 100 =	/50 =			x \$250	s	
Surcharge of \$130.0 claimed priority date		or declaratio	n later than 30 months from the	earliest	\$	
CLAIMS	NUMBER		NUMBER EXTRA	RATE	s	
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Independent clain		-3 =	0	X \$200	\$	
MULTIPLE DEPEND	ENT CLAIM(S) (if appli	zable)		+ \$360	\$	
			TOTAL OF ABOVE		\$ 800.00	
Applicant claim	s small entity status. S	ee 37 CFR 1	27. Fees above are reduced b		\$	
				SUBTOTAL =	\$ 800.00	
Processing fee of \$1 claimed priority date		English trans	lation later than 30 months fron	the earliest +	\$	
				NATIONAL FEE =	\$	
Fee for recording the by an appropriate co	e enclosed assignmen over sheet (37 CFR 3.2	t (37 CFR 1.2 28, 3.31). \$40	21(h)). The assignment must b .00 per property	e accompanied +	\$	
			TOTAL FI	ES ENCLOSED =	\$ 800.00	
					Amount to be refunded:	s
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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-2415. A duplicate copy of this sheet is enclosed.						
			ARNING: Information on this ard Information and authoriza		lic. Credit card informa	tion should not
			CFR 1.495 has not been me on to pending status.	t, a petition to revive	(37 CFR 1.137(a) or (b)	) must be filed
SEND ALL CORR	ESPONDENCE TO:			IN	7 —	
CUSTOMER NO	D. 021971		-	CICNATURE /	L	
				SIGNAT∤IRÉ Michael J. Hostetle	er	
				NAME 47,664		
			<del>-</del>	REGISTRATION NUM	BER	

#### Application Data Sheet

#### Application Information

Application Type:: Regular Subject Matter:: Utility

Suggested Group Art Unit:: Not yet assigned

CD-ROM or CD-R?:: None

Title Line One:: PREPARATION OF

Title Line Two:: METALLOTEXAPHYRINS

No

Attorney Docket Number:: 25922-706.201

Request for Early Publication?:: Nο

Total Drawing Sheets::

Request for Non-Publication?::

Small Entity:: No

Petition included?:: Nο

Secrecy Order in Parent Appl.?:: Nο

### Applicant Information

Applicant Authority type:: Inventor Primary Citizenship Country: US

Status::

Full Capacity Given Name:: Carv

Family Name:: DOUGLAS

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Country of Residence:: Japan Street of mailing address:: Takeda Yodogawa Heim A #801

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State or Province of mailing address:: Osaka, Japan

Postal or Zip Code of mailing address:: 532-0033

Applicant Authority type:: Inventor

Primary Citizenship Country: CHINA

Status:: Full Capacity

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State of Province of Residence:: CA

Country of Residence:: US

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City of mailing address:: Freemont State or Province of mailing address:: CA

Postal or Zip Code of mailing address:: 994555

Applicant Authority type:: Inventor

Primary Citizenship Country:

Status:: Full Capacity

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Family Name:: MODY

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State of Province of Residence:: CA

Country of Residence:: US

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US

City of mailing address:: Sunnyvale

State or Province of mailing address:: CA

Postal or Zip Code of mailing address:: 94086

Correspondence Information

Correspondence Customer Number:: 021971

# Representative Information

Representative Customer Number:	021971	7

# **Domestic Priority Information**

Application::	Continuity Type:	Parent Application::	Parent Filing Date::
This Application	National Stage of	PCT/US2003/037888	11/24/03
PCT/US2003/037888	An application claiming the benefit under 35 USC 119(e)	60/431157	12/4/02
PCT/US2003/037888	An application claiming the benefit under 35 USC 119(e)	60/480,600	6/19/03

# Assignee Information

Assignee Name::

Pharmacyclics, Inc.